

Before the  
**COPYRIGHT ROYALTY JUDGES**

**The Library of Congress  
Washington, D.C.**

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<b>In the Matter of</b>	)	<b>Docket No. 15-CRB-0010-CA-S</b>
	)	
<b>37 C.F.R. Part 387</b>	)	<b>(Sports Rule Proceeding)</b>
	)	
<b>Adjustment of Royalty Rates for</b>	)	
<b>Cable Statutory Retransmission License</b>	)	
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PETITION TO PARTICIPATE

OF

MAJOR LEAGUE SOCCER, L.L.C.

Pursuant to the Order Reinstating Case Schedule, dated January 12, 2018 (“Order”), Major League Soccer, L.L.C. (“MLS”) submits a late Petition to Participate in the above-referenced Copyright Royalty Board (“CRB”) proceeding related to proposed regulations to require covered cable systems to pay a separate per-telecast royalty (a Sports Surcharge) in addition to other royalties that cable systems must pay under Section 111 of the Copyright Act. The Copyright Royalty Judges (“Judges”) have the discretion to accept MLS’s late Petition to Participate under 17 U.S.C. § 803(b)(1)(A)(ii).

MLS has the requisite significant interest in the rates subject to adjustment in this proceeding. In fact, the Judges already gave the comments of non-participant MLS consideration by soliciting reply comments because the settlement in this proceeding excluded MLS from any royalty consideration. *See*, Final Rule, Determination of Rates and Terms for

Public Broadcasting (PB III), Docket 16-CRB-0002-PBR (2018-2022); 83 Fed. Reg. 2739, 2740, n.7; *and* 82 Fed. Reg. 44368. Additionally, MLS clearly falls within the “Joint Sports Claimants” program category definition that has been adopted by the Judges in other proceedings.<sup>1</sup> MLS provides live telecasts of professional teams’ sports broadcasts by U.S. and Canadian television stations, exclusive of programs in the Canadian Claimants’ category. MLS remains affected by this rulemaking.

Since January 2018, MLS has negotiated with proceeding participants including the NCTA, the Joint Sports Claimants, and their respective counsel. MLS and those parties have attempted to reach settlement but have not yet agreed to a final draft of proposed regulatory language as of today, which marks the End of the Second Negotiation Period established by the Judges. While MLS remains hopeful that it will be able to reach a voluntary settlement agreement of rates and terms with the proceeding participants, to preserve its rights, MLS respectfully requests the Judges to accept MLS’s late Petition to Participate, which was filed simultaneously with a Motion to accept a late Petition to Participate, a copy of which is attached as Exhibit A to this filing.

Pursuant to 37 C.F.R. § 351.1(4), a \$150 filing fee accompanies this Petition to Participate.

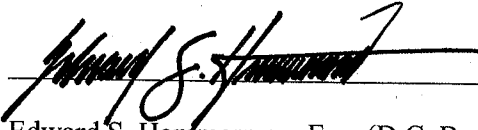
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<sup>1</sup> See Notice of Participant Groups, Commencement of Voluntary Negotiation Period (Allocation), and Scheduling Order, Consolidated Proceeding No. 14-CRB-0010-CD (2010-13), In re Distribution of Cable Royalty Funds, Exhibit A (Nov. 25, 2015).

Respectfully submitted,

**MAJOR LEAGUE SOCCER, L.L.C.**

April 12, 2018

A handwritten signature in black ink, appearing to read "Edward S. Hammerman", is written over a horizontal line.

Edward S. Hammerman, Esq. (D.C. Bar No. 460506)

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*Counsel for Petitioner*

# **EXHIBIT A**

# **COPYRIGHT ROYALTY JUDGES**

**The Library of Congress  
Washington, D.C.**

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**In the Matter of**

**37 C.F.R. Part 387**

**Adjustment of Royalty Rates for  
Cable Statutory Retransmission License**

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**Docket No. 15-CRB-0010-CA-S**

**(Sports Rule Proceeding)**

## **MOTION**

**TO ACCEPT LATE PETITION TO PARTICIPATE**

**OF**

**MAJOR LEAGUE SOCCER, L.L.C.**

Major League Soccer, L.L.C. (“MLS”) submits this motion to accept this a late Petition to Participate in the above-referenced Copyright Royalty Board (“CRB”) proceeding related to proposed regulations to require covered cable systems to a pay a separate per-telecast royalty (a Sports Surcharge) in addition to other royalties that cable systems must pay under Section 111 of the Copyright Act. The Copyright Royalty Judges (“Judges”) have the discretion to accept MLS’s late Petition to Participate under 17 U.S.C. § 803(b)(1)(A)(ii) and 37 C.F.R. § 351.1(d).

MLS has the requisite significant interest in the rates subject to adjustment in this proceeding and explains that interest in more detail in its Petition to Participate, a copy of which was tendered simultaneously with this filing. In fact, the Judges gave the comments of non-participant MLS consideration by soliciting reply comments because the settlement in this

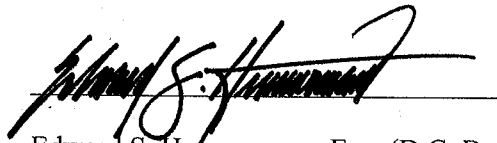
proceeding excluded MLS from any royalty consideration. *See*, Final Rule, Determination of Rates and Terms for Public Broadcasting (PB III), Docket 16-CRB-0002-PBR (2018-2022); 83 Fed. Reg. 2739, 2740, n.7; *and* 82 Fed. Reg. 44368.

This pending Motion to Participate notwithstanding, MLS remains hopeful that it will be able to reach a voluntary settlement agreement of rates and terms with the proceeding participants.

MLS submitted payment to the CRB in the amount of \$150 along with its Petition to Participate filed today. MLS respectfully requests that the Judges apply that payment towards the filing fee required for petitions to participate pursuant to 37 C.F.R. § 351.1(b)(4).

Respectfully submitted,

**MAJOR LEAGUE SOCCER, L.L.C.**



April 12, 2018

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## **CERTIFICATE OF SERVICE**

I, Edward S. Hammerman, hereby certify that on April 12, 2018, copies of the Motion to Accept Late Petition to Participate were served electronically and where required via overnight delivery upon:

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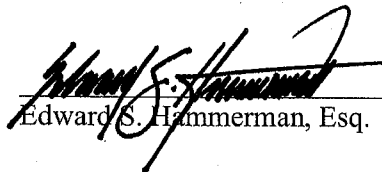
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April 12, 2018

  
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Edward S. Hammerman, Esq.



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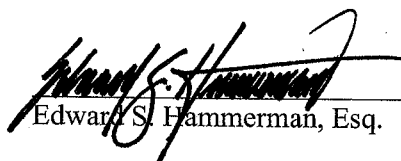
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